

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

MICHAEL P. and SHELLIE GILMOR,     )  
et al.,                                     )  
  )  
          Plaintiff,                     )  
  )  
v.    )  
  )  
PREFERRED CREDIT CORPORATION,     )  
et al.,                                     )  
          Defendants.                     )

Case No. 4:10-cv-00189-ODS

**SETTLING DEFENDANTS' UNOPPOSED MOTION FOR ADDITIONAL TIME  
TO ALLOW FOR FILING OF MOTIONS FOR  
PRELIMINARY APPROVAL OF SETTLEMENT**

COME NOW Defendants Wells Fargo Bank, N.A.; Litton Loan Servicing, L.P.; JPMorgan Chase Bank, N.A., as Former Trustee; EMC Mortgage, LLC f/k/a EMC Mortgage Corporation; and Deutsche Bank National Trust Company, individually and in its capacities as indenture trustee of the Impac Secured Assets CMN Trust Series 1998-1, Impac CMB Trust Series 1999-2, Impac CMB Trust Series 2000-2, Impac CMB Trust Series 2001-4, Impac CMB Trust Series 2002-1, Impac CMB Trust Series 2003-5, and Impac Real Estate Asset Trust Series 2006-SD1 (collectively, "Settling Defendants") and respectively request an additional eleven days, up to and including November 27, 2012, within which to finalize their respective settlement agreements with Plaintiffs, and for Plaintiffs to file Motions for Preliminary Approval of Class Action Settlement. In support of their Motion, the Settling Defendants state:

1. Settling Defendants and Plaintiffs achieved agreements to settle the claims against them in this matter. The settlement agreements, if approved, will settle and resolve the claims of those class members who obtained loans for which Plaintiffs seek to hold the Settling Defendants liable.

2. In light of these settlements, the Court suspended all deadlines relating to Settling Defendants and ordered that Motions for Preliminary Approval of Settlements be filed on or before November 1, 2012. *See, e.g.*, Dkt. E. 729; 757.<sup>1</sup> The Court recently extended that deadline for the Settling Defendants to November 16, 2012.

3. Settling Defendants and Plaintiffs have diligently been working to memorialize their settlements and implement the process through which the settlement can be finalized and submitted to the Court for approval. However, the parties have encountered obstacles in completing their respective settlement agreements, in part because Hurricane Sandy closed offices and disrupted operations, hampering Settling Defendants' ability to review and execute draft settlement documents.

4. In requesting this extension, the parties also have taken account of the fact that the work week of November 19 will be interrupted by the Thanksgiving holiday.

5. For these reasons, Plaintiffs and Settling Defendants have agreed to file their respective Motions for Preliminary Approval of Settlement and any associated documents on or before November 27, 2012.

6. Plaintiffs' counsel (Fred Walters, Esq.) was consulted concerning the contents of this Motion and indicated Plaintiffs do not oppose the relief requested herein.

WHEREFORE, the Settling Defendants respectfully request an additional eleven days, up to and including November 27, 2012 for the filing of any Motions for Preliminary Approval of Class Action Settlements.

---

<sup>1</sup> As of the time of this filing, all major claims have been settled in this lawsuit. In light of these settlements, the Court cancelled the pretrial conference originally set for November 1, 2012. *See* Order dated October 29, 2012. Dkt. E. 788. Additionally, the Court also recently allowed settling defendants Wendover Financial Services and Wilmington Trust Company until December 14, 2012 to file any Motions for Preliminary Approval. *See* Dkt. E. 788.

Respectfully submitted,

THOMPSON COBURN LLP

/s/ David Wells

---

W. David Wells  
Maria G. Zschoche  
Brian A. Lamping  
THOMPSON COBURN LLP  
One US Bank Plaza  
St. Louis, Missouri 63101-1611  
(314) 552-6000  
(314) 552-7000 (FAX)  
dwells@thompsoncoburn.com  
mzschoche@thompsoncoburn.com  
blamping@thompsoncoburn.com

*Attorneys for Defendants Wells Fargo Bank, N.A.,*

/s/ Daniel L. McClain

---

Daniel L. McClain, Esq. MO #43441  
Christine N. Hall, Esq. MO #61914  
SCHARNHORST AST & KENNARD, PC  
1100 Walnut, Suite 1950  
Kansas City, Missouri 64106  
Telephone: (816) 268-9411  
Facsimile: (816) 268-9409  
Email: [dln@sakfirm.com](mailto:dln@sakfirm.com)  
[cnh@sakfirm.com](mailto:cnh@sakfirm.com)

*Attorneys for Defendant EMC Mortgage, LLC f/k/a  
EMC Mortgage Corporation*

/s/ Daniel L. McClain

---

Daniel L. McClain, Esq. MO #43441  
Christine N. Hall, Esq. MO #61914  
SCHARNHORST AST & KENNARD, PC  
1100 Walnut, Suite 1950  
Kansas City, Missouri 64106  
Telephone: (816) 268-9411  
Facsimile: (816) 268-9409  
Email: [dln@sakfirm.com](mailto:dln@sakfirm.com)  
[cnh@sakfirm.com](mailto:cnh@sakfirm.com)

Elizabeth A. Frohlich, *admitted pro hac vice*  
MORGAN, LEWIS & BOCKIUS  
One Market, Spear Street Tower  
San Francisco, California 94105  
Telephone: (415) 442-1000  
Facsimile: (415) 442-1001  
Email: [efrohlich@morganlewis.com](mailto:efrohlich@morganlewis.com)

*Attorneys for Defendant Deutsche Bank National  
Trust Company, individually and in its capacities as  
indenture trustee of the Impac Secured Assets CMN  
Trust Series 1998-1, Impac CMB Trust Series 1999-  
2, Impac CMB Trust Series 2000-2, Impac CMB  
Trust Series 2001-4, Impac CMB Trust Series 2002-  
1, Impac CMB Trust Series 2003-5, and Impac Real  
Estate Asset Trust Series 2006-SD1*

/s/ Mark A. Olthoff  
MARK A. OLTHOFF MO #38572  
ANTHONY BONUCHI MO #57838  
MICHAEL FOSTER MO #61205  
POLSINELLI SHUGHART PC  
1700 Twelve Wyandotte Plaza  
120 West 12th Street  
Kansas City, Missouri 64105-1929  
(816) 421-3355  
(816) 374-0509 (FAX)  
[molthoff@polsinelli.com](mailto:molthoff@polsinelli.com)  
[abonuchi@polsinelli.com](mailto:abonuchi@polsinelli.com)  
[mfooster@polsinelli.com](mailto:mfooster@polsinelli.com)

*Attorneys for Defendants Litton Loan Servicing, LP  
and JPMorgan Chase Bank, National Association,  
as Former Trustee*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the above and foregoing was electronically filed on this 16th day of November, 2012, with the Clerk of the Court via the CM/ECF system, which automatically transmits a Notice of Electronic Filing to all counsel of record.

/s/ David Wells \_\_\_\_\_

An Attorney for Defendants